

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

Case No.	<u>5:22-cv-01458-AB-SP</u>	Date	<u>July 10, 2023</u>
Title	<u>Monster Energy Company v. JOF Enterprise Inc. et al</u>		

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Present: The Honorable	Sheri Pym, United States Magistrate Judge		
Kimberly Carter	None	None	
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiff:		Attorneys Present for Defendant:	

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**Proceedings:                    (In Chambers) Order Resetting Hearing Date on Motion to Compel**

On July 3, 2023, plaintiff Monster Energy Company filed a motion to compel defendants JOF Enterprise Inc. and James Finney to respond to written discovery requests and for sanctions. Docket no. 27. Although motions to compel normally must be filed in the form of a joint stipulation under Local Rule 37-2, the motion here was accompanied by a declaration stating defense counsel had failed to provide its portion of the joint stipulation within the time allowed, thus permitting plaintiff to file a motion without a joint stipulation. *See L.R. 37-2.4.* In such circumstances, Local Rules 6-1, 7-9, and 7-10 govern. *Id.*

Under Local Rule 6-1, the notice of motion must be filed not later than 28 days before the hearing date. Here, the motion was filed on July 3, 2023 and thus could be noticed for hearing not earlier than July 31, 2023 – or, given that this magistrate judge hears motions on Tuesdays, August 1, 2023. Thus, the noticed hearing date of July 25, 2023 is untimely.

Accordingly, the court vacates the hearing set for July 25, 2023 and resets the hearing for August 1, 2023 at 10:00 a.m. In light of this new hearing date, any opposition to the motion to compel must be filed on or before July 11, 2023. *See L.R. 7-9.*